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September 25, 2023

VIA CM/ECF

Honorable Joan M. Azrack
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: United States v. Jeffrey Novis, 21-cr-566 (JMA)
Consent Motion to Adjourn Status Conference and
Exclude Time

Dear Judge Azrack:

I represent Jeffrey Novis in the above-entitled matter, and write to request an adjournment of the February 5, 2024 jury trial until June 10, 2024. The Novis defense team needs additional time to prepare for trial, considering the case's complexity and voluminous discovery. The government's first discovery production contains over 2.2 million records. Some of the discovery files – particularly those relating to computers and digital devices – have file sizes that are too large to view on our electronic discovery review platform. We requested a reproduction of the discovery in a viewable format. The government has indicated that its digital discovery personnel are working on the request. We respectfully request that the Court continue the trial date to allow the parties additional time to resolve the issue, and to permit the defense to review the discovery.

The Novis defense team is working diligently to resolve other discovery-related issues. The government has assigned a filter team to handle any discovery that it has identified as potentially privileged. We maintain regular communication with the filter team and are working expeditiously to resolve pending issues.

The government has no objection to this continuance request. James Froccaro, counsel for codefendant Philip Priolo, indicated that he joins this request and that his client will waive his right to a speedy trial. The government has indicated that it will file a motion to sever codefendant Shawn Phillips from the trial of Mr. Novis and Mr. Priolo. I have discussed the continuance request with Mr. Novis, and he consents to an exclusion of time under the Sixth Amendment, Speedy Trial Act, and other applicable rules. He respectfully requests that the jury trial date be continued to June 10, 2024 for the above-mentioned reasons.

Thank you for your consideration of this consent request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Millioen', is written over a horizontal line.

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